IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24/09/2003

CORAM

THE HONOURABLE MR.JUSTICE V.KANAGARAJ

CIVIL REVISION PETITION NO.1831 OF 2000
AND CIVIL REVISION PETITION NO.1832 OF 2000
AND
C.M.P.No.9984 OF 2000

P.R.Nallappa .. Petitioner in both the CRPs.

-Vs-

1.P.K.Srinivas
2.P.K.Dhruvakumar
3.Gowramma
4.Varalakshmi
5.V.N.Venkatasami
6.Chandran
7.The Tahsildar,Hosur
8.K.Ram Mohan
9.Ramachandrappa
10.Guntur Venkataramanappa ..Respondents in CRP.1831/2000

1.P.K.Srinivas
2.P.K.Dhruvakumar
3.Gowramma
4.Varalakshmi
5.V.N.Venkatasami
6.Chandran
7.The Tahsildar,Hosur
8.B.M.Rajasekar alias
Rajasekariah ..Respondents in CRP.1832/2000

Civil Revision Petitions filed under Section 115 of the Code of Civil Procedure for the reliefs as stated therein.

For petitioner : Mr.V.Raghavachari

For respondents (except R.7) : Mr.R.Subramanian

For R.7 : No appearance

:COMMON ORDER

Both the above civil revision petitions are filed under

Section 115 of the Code of Civil Procedure praying to set aside fair and decretal orders both dated 22.6.2000 respectively made in I.A.Nos.484 and 48 8 of 1999 both in O.S.No.101 of 1997 by the Court of Subordinate Judge, Hosur.

2. On a perusal of the materials placed on record and upon hearing the learned counsel for both, it comes to be known that the petitioner herein has filed the suit in O.S.No.101 of 1997 before the Court below for declaration, partition and permanent injunction as against the respondents 1 to 7 and when the said suit is pending, the petitioner has filed I.A.No.484 of 1999 praying to implead respondents 8 to 1 0 in the first civil revision petition above as party defendants to the suit and I.A.No.488 of 1999 praying to implead respondent No.8 in the second civil revision petition above as party defendant to the suit. Since both the said petitions are dismissed by the Court below, the petitioner/plaintiff has come forward to file the above civil revision petitions on ground that since the proposed parties are the purchasers of the suit property, they being the proper parties, should be impleaded as parties to the suit, lest his interest would be affected.

3. The learned counsel appearing on behalf of the contesting respondents would place reliance on the order passed by the Court below and would pray to dismiss the above civil revision petitions.

4. Be that as it may. This Court is of the view that a party, even if he is found to have had any semblance of right, it is only proper to implead him as a party to the suit proceeding since being a necessary party to the proceeding and to afford adequate opportunity for him to exhaust his remedy so that a binding decision could be passed against all the parties concerned with the property in question. Therefore, always it is desirable only to implead such parties unless patently it is revealed that the proposed party has absolutely no nexus or relevance to the subject matter.

5. So far as the case in hand is concerned, this Court is of the view that since the respondents 8 to 10 in C.R.P.No.1831 of 2000 and respondent No.8 in C.R.P.No.1832 of 2000 are reported to be the purchasers of the property in question, they shall be impleaded as party defendants to the proceedings so as to render a binding decision on all the parties concerned.

In result,

(i)both the above civil revision petitions are allowed.

(ii)The fair and decretal orders both dated 2.6.2000 respectively made in I.A.Nos.484 and 488 of 1999 both in O.S.No.101 of 1997 by the Court of Subordinate Judge, Hosur are hereby set aside.

(iii)The petitions in I.A.Nos.484 and 488 of 1999 in O.S.No.101 of 19 97 on the file of the Court of Subordinate Judge, Hosur stand allowed.

(iv) Liberty is given to the proposed parties to file their written statements in the suit.

However, in the circumstances of the cases, there shall be no order as to costs.

Consequently, C.M.P.No.9984 of 2000 is closed.

Index: Yes
Internet: Yes

Rao

To

The Subordinate Judge, Hosur.